

HUMAN SERVICES BOARD

# INTRODUCTION

## FINDINGS OF FACT

2. OVHA has approved transportation services to Burlington for the petitioner through a contract provider that also provides those services to another patient from St. Johnsbury in the same clinic. As a cost-saving measure OVHA has required the clinic and the transportation provider,

whenever possible, to schedule the petitioner and this other patient at the same time so that they can ride together to the clinic.

3. OVHA estimates that based on the petitioner's treatment history it would cost approximately \$1,500 a year to provide separate transportation services to the petitioner from St. Johnsbury to Burlington.

4. OVHA also represents that despite the fact that there are suitable treatment facilities closer to St. Johnsbury it approved coverage and transportation costs for the Burlington clinic only because of the petitioner's and the clinic's representations that the petitioner is planning to move to Burlington and the fact that transportation to Burlington could be coordinated with the other patient from St. Johnsbury.

5. Unfortunately, however, the petitioner feels she cannot continue to ride with the other patient because he is verbally inappropriate and intrusive. In support of her request for separate transportation she submitted the following statement from her treating physician dated July 7, 2009:

[Petitioner] has an anxiety disorder in addition to her history of substance abuse, for which she is attending the methadone clinic in Burlington. My

understanding is that she is going to be able to have monthly visits with the methadone clinic starting in the next few months. She has significant anxiety surrounding the visits and gets anxious around other people. It would increase her anxiety if she needed to share her ride to Burlington with another person. The person with whom she would potentially have to share a ride tends to bring up old issues and makes her more anxious. If there is a possibility of having somebody that she would not be associated with needing to ride to Burlington I think that might be OK, but given her past associations she has had with this particular individual who is potentially assigned to ride with her, I think that would just increase her anxiety.

6. OVHA's position in denying the petitioner's request is that the petitioner has not adequately shown that there aren't other remedies for the petitioner's concerns, such as wearing and using a music headset, or the clinic, itself, providing some behavioral counseling and intervention between the petitioner and the other patient.

7. Although the petitioner has demonstrated that riding with this individual causes an increase in her anxiety, she has not shown that continuing to do so poses a serious or irreparable threat to her health or her ability to continue participation in clinical treatment for her substance abuse.

ORDER

OVHA's decision denying approval for separate transportation services for the petitioner is affirmed.

REASONS

Transportation is a covered Medicaid service, and the regulations provide for necessary transportation for recipients to access their medical providers. However, W.A.M. § 7408 provides that the following limitations on coverage shall apply:

1. Prior authorization is required. (Exceptions may be granted in a case of a medical emergency.)
2. Transportation is not otherwise available to the Medicaid recipient.
3. Transportation is to and from necessary medical services.
4. The medical service is generally available to and used by other members of the community or locality in which the recipient is located. A recipient's freedom of access to health care does not require Medicaid to cover transportation at unusual or exceptional cost in order to meet a recipient's personal choice of provider.
5. Payment is made for the least expensive means of transportation and suitable to the medical needs of the recipient.
6. Reimbursement for the service is limited to enrolled transportation providers.
7. Reimbursement is subject to utilization control and review in accordance with the requirements of Title XIX.

8. Any Medicaid-eligible recipient who believes that his or her request for transportation has been improperly denied may request a fair hearing. For an explanation, see the "Fair Hearing Rules" listed in the Table of Contents.

Based on the only medical evidence the petitioner has presented thus far (see *supra*) it cannot be concluded that she has shown that the transportation service presently covered by OVHA is not suitable to her medical needs. At the hearing, the petitioner was advised that if and when she could submit evidence from her medical providers that separate transportation services are *necessary to maintain her health and ensure her continuing treatment*, she can reapply for Medicaid coverage of this expense. At this time, however, inasmuch as OVHA's decision denying separate medical transportation is consistent with the above guidelines, it must be affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4D.

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